IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3389 of 2005

Between:

S. Maisaiah (S. Masian), S/o. Muniswamy,
R/o. R.O. Quarters, The Chittoor Cooperative Sugars Limited, Chittoor, Chittoor District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Commissioner, Sugars Industries, Hyderabad.
2 The Managing Director, The Chittoor Co-operative Sugars Limited, Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in not considering the Appeal, dt. 07-7-2004 which was preferred against the Reversion Order which was passes as a measure of Penalty without conducting any enquiry vide Proceedings dt. 14-6-2004 is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and consequently direct the 1st Respondent to consider the Appeal, dated 07-07-2004 which was preferred against the Reversion order, dt. 14-6-2004 of the 2nd respondent.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court, at the admission stage, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 1st respondent in not considering the appeal, dated 7.7.2004 which was preferred against the Reversion Order passed by the 2nd respondent as a measure of penalty without conducting any enquiry, vide proceedings, dated 14.6.2004 as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader for the 1st respondent and perused the material on record.

Without entering into the merits of the case, I consider it appropriate to direct the 1st respondent to take appropriate decision and pass necessary orders on the appeal, dated 7.7.2004 preferred by the petitioner, within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

7th March, 2005

bcj

To

1 The Commissioner, The Government of Andhra Pradesh,
Sugars Industries, Hyderabad.
2 The Managing Director, The Chittoor Co-operative Sugars Limited,
Chittoor, Chittoor District.

3 Two C.Cs. to the Government Pleader for Industries and Commerce, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies.

Note: Furnish copy in one week

B/o.

bcj